IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

AND
THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION No.16291 of 2004

Between:

1.M/s. Ravi Tabacco Suppliers, rep. by its Managing Partner,
S.Naga Ravisekhar, S/o. S. Krishna Murthy, R/o. Block No.3, Pasumarru Vill, Chilakaluripeta Mandal, Guntur - 522 616.
2. Sriram Krishna Murthy S/o. Sri Subbaiah
R/o. Pasumarru Village, Chilakaluripeta Mandal,
Guntur District.

..... PETITIONERS

AND

1.The Union of India, rep. by the Joint Secretary, Banking Division, Dept of Economic Affairs, Ministry of Finance, Jeevandeep Blds, Parliament Street, New Delhi.1.
2.The Debts Recovery Tribunal (under Ministry of Finance, Banking Division), 3rd floor, Isnaar Khazana Towers,
2nd Lane, Dwarakanagar, Visakhapatnam 530 016,

rep. by Hon'ble Presideng Officer.
3.State Bank of Hyderabad, Regional Office,

Patamata, Vijayawada-520 010,
rep. by its Chief Manager (Advances) & Authorised Officer under Act 54 of 2002 on behalf of Chilakaluripet Branch, Guntur District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue a writ, direction or order more particularly one in the nature of writ of Mandamus declaring the Rules issued by the 1st respondent under S.O.No.466 (E) dt. 06.04.2004 prescribing fees for entertaining an appeal to the 2nd respondent under Section 17 of he Securitisation and Reconstruction of Financial Assets and Enforcement of Security interest Act, 2002 as illegal, arbitrary and ultra vires the Articles 14 and 21 of the Constitution of India and further direct the 2nd respondent to ignore the same and entertain the appeals without insisting for the Court Fee under S.O.No.466 (E) dated 06.04.2004 issued by the 1st respondent.

Counsel for the Petitioners :Mr.T.V.L.NARASIMHA RAO

Counsel for Respondent No.1: Mr.A.RAJASHEKAR REDDY,

S.C. FOR CENTRAL GOVT.

Counsel for Respondent No.2: None appeared.

Counsel for Respondent No.3: None appeared.

The Court at the admission stage made the following :

ORAL ORDER: (per the Hon'ble the Chief Justice)

Learned counsel for the petitioners states that the writ petition has been rendered infructuous.

The writ petition is, therefore, dismissed as having been rendered infructuous. No costs.

_____

(DEVINDER GUPTA, C.J.)

6th October 2004.

_____

(C.V.RAMULU, J.)

ARS

To

1.The Joint Secretary, Banking Division, Department of Economic Affairs, Ministry of Finance, Jeevandeep Building, Parliament Street, New Delhi-1.
2.The Registrar, Debts Recovery Tribunal (Under Ministry of Finance Banking Division), 3rd Floor, Isnaar Khazana Towers, 2nd Lane, Dwarakanagar, Visakhapatnam-530 016,
3.The Chief Manager (Advances) & Authorised Officer under Act 54 of 2002, State Bank of Hyderabad, Regional Office, Vijayawada-520 010.

4.Two C.D. copies.